

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

ARIF DURRANI,
Petitioner,

No. 3:20-cv-1373 (SRU)

v.

UNITED STATES,
Respondent.

ORDER

Arif Durrani has filed a petition to vacate his thirty-four-year-old conviction and sentence pursuant to 28 U.S.C. § 2255 and by writ of error *coram nobis* or *audita querela*. In 1987, Durrani was convicted of violating the Arms Export Control Act, 22 U.S.C. § 2778, and the accompanying International Traffic In Arms regulations, 22 C.F.R. § 120 *et seq.*, by shipping Hawk missile parts to Iran without a license. He was sentenced to a term of imprisonment, which he has fully served. This is the ninth time Durrani has challenged his conviction¹—including pursuant to 28 U.S.C. § 2255 and by writ of error *coram nobis* or *audita querela*—since 1990.

The petition is frivolous. Durrani raises issues that have been exhaustively addressed—and rejected—in prior motions brought by Durrani. *See, e.g.*, Case No. 5:86-cr-00059-SRU, Ruling, Doc. No. 15; Ruling, Doc. No. 43; Ruling, Doc. No. 64; Ruling, Doc. No. 72; Order, Doc. No. 98. Moreover, as the government notes, to the extent Durrani’s petition is construed as one under 28 U.S.C. § 2255, it necessarily fails because Durrani is no longer “in custody” as required under the statute. *See Scanio v. United States*, 37 F.3d 858, 860 (2d Cir. 1994) (“In

¹ *See, e.g.*, Mot. to Vacate, Doc. No. 1; Mot. to Reopen Case, Doc. No. 27; Mot. to Reopen Case and Dismiss Indictment, Doc. No. 44; Mot. to Reopen Case, Doc. No. 65; Mot. to Dismiss Indictment, Doc. No. 75.

order to invoke habeas corpus review by a federal court, the petitioner must satisfy the jurisdictional ‘in custody’ requirement of 28 U.S.C. § 2255.”). And, to the extent his petition is one for writ of error *coram nobis*, it is untimely and inappropriate. *See Carlisle v. United States*, 517 U.S. 416, 429 (1996) (“[I]t is difficult to conceive of a situation in a federal criminal case today where a writ of *coram nobis* would be necessary or appropriate.”) (cleaned up); Fed. R. Civ. P. 60(e) (abolishing various writs, including writ of *coram nobis* and *audita querela*).

The petition is therefore denied. The Clerk is directed to close the file.

So ordered.

Dated at Bridgeport, Connecticut, this 3rd day of August 2021.

/s/ STEFAN R. UNDERHILL
Stefan R. Underhill
United States District Judge